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**VIA ELECTRONIC MAIL**

Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

**Re: MUR 7090  
Response from DE First Holdings and Vivek Garipalli**

Dear Mr. Jordan:

This letter is submitted on behalf of our clients DE First Holdings ("DE First") and Mr. Vivek Garipalli in response to a complaint ("Complaint") filed with the Federal Election Commission (the "Commission") in the above-captioned Matter Under Review ("MUR").

The Complaint does not name DE First or Mr. Garipalli as a respondent. Rather, the Commission apparently is providing DE First an opportunity to respond in light of certain allegations against respondent, Coalition for Progress. The Complaint alleges that Coalition for Progress, an independent expenditure-only committee registered and reporting with the Commission, violated 52 U.S.C. § 30122 by accepting a contribution in the name of another from DE First.<sup>1</sup> Similar allegations were made in complaints filed with the Commission earlier this year in MURs 7014 and 7017. The arguments set forth in our clients' responses to those complaints also apply to the allegations here and are incorporated by reference.

As previously explained, the Commission's recently announced section 30122 legal standard came after the December 24, 2015 contribution at issue here. Based on Commission regulations and precedent at the date of contribution, it was reasonable to conclude that a contribution made by and in the name of DE First was lawful. More than three months after the contribution was made, the Commission dismissed four MURs involving substantially similar facts, with the Controlling Statement of Reasons ("Controlling SOR") concluding that it would be "manifestly

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<sup>1</sup> The Complaint's remaining allegations do not concern either DE First or Mr. Garipalli.

Letter to Jeff S. Jordan  
Response of DE First Holdings – MUR 7090  
Page 2


unfair” to pursue enforcement action against the respondents for violations of section 30122 and announcing a governing standard for future contributions.<sup>2</sup>

Following a careful review of the Controlling SOR and other materials in the dismissed case files, and in the interest of promoting public transparency, Mr. Garipalli asked Coalition for Progress to amend its report on file with the Commission to reflect that he authorized a transfer of funds to DE First from his personal account to make a contribution to the committee. The committee amended its 2015 Year End Report accordingly on July 15, 2016.

In light of the respondents’ lack of notice of the recently announced section 30122 legal standard, and with public disclosure occurring months before any election in which the recipient committee will participate, the Commission should exercise its prosecutorial discretion and dismiss the Complaint. Indeed, according to reports filed with the Commission through the second quarter of 2016, it appears that Coalition for Progress had yet to make any expenditures for communications expressly advocating the election or defeat of a candidate for office. Thus, just like the four dismissed MURs, there has been little or no informational harm to the public.

Thank you for your consideration. If you have any questions, please contact me at (202) 344-4541.

Respectfully submitted,



Lawrence H. Norton  
Janice M. Ryan

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<sup>2</sup> See MURs 6485 (W Spann), 6487 and 6488 (F8/Eli Publishing), 6711 (Specialty Investments Group), and 6930 (Michel), Statement of Reasons of Chairman Matthew S. Petersen and Commissioners Caroline C. Hunter and Lee E. Goodman.